IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1724 of 2004

AND

W.P.NO. 17927 OF 2004.

W.A.NO. 1724 OF 2004.

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/10/2004 in WPMP.NO.23512 of 2004 in WP NO : 17927 OF 2004 on the file of the High Court.)

Between:

Priya Darshini Educational Society, Rep. by its Executive Secretary,
Sri P.v. Sreenatha Reddy, S/o. Sri. P. Singa Reddy,
aged about 42 Years, Occ: Business, R/o. Nellore.

..... APPELLANT

AND

1 All India Council for Technical Education, Rep. by its Member Secretary, Indira Gandhi Sports Complex,
I.P. Estate-New Delhi.
2 Southern Regional Office, Rep. by Director,
All India Council for Technical Education, Shastry Bhavan, 26, Haddows Road, Nangambakkam, Chennai - 600 006.

.....RESPONDENTS

Counsel for the Appellant : MR.NOOTY RAM MOHAN RAO
Counsel for the Respondents: MR.S.S.PRASAD

WRIT PETITION NO : 17927 of 2004

Between:

Priya Darshini Educational Society rep by Executive Secretary Sri P.V. Sreenatha Reddy S/o
Sri P. Singa Reddy, R/o Nellore

..... PETITIONER

AND

1 All India Council for Technical Education, rep by Member Secretary, Indira Gandhi Sports Complex, I.P. Estate, New Delhi
2 Southern Regional Office, rep by Director, All India Council for Technical Education, Shastry Bhavan 26, Haddows Road, Nangambakkam, Chennai – 600 006.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus to (a) declare the action of the respondents in not granting the Letter of Intent in favour of the petitioner Society for establishing Ppriya Darshini College of Engineering, Kanuparthipadu village, A.K. Nagar, Nellore District, for the academic year 2004-05 and instead issuing the Letter of intent for establishing the Engineering College in favour of the petitioner society for the academic year 2005-06 as illegal, arbitrary and violative of Article 14 of the Constitution of India; (b) further direct the respondents to treat the letter of intent granted in favour of the petitioner society thro' the proceedings F. No. 06/05/AP/ENGG/2004/052/ dated 01-10-2004 as the one granted for the academic year 2004-05 but not for the year 2005-2006 (c) direct the respondents to inspect the premises of the petitioner society's

College of Engineering at Kanuparthipadu village, A.K. Nagar, Nellore District in pursuance to the letter of intent dated 01-10-2004 for the current academic year 2004-05 instead of 2005-2006 and upon being satisfied, grant the Letter of Approval in favour of the petitioner Society for establishing Priya Darshini College of Engineering at kanuparthipadu Village, A.K. Nagar, Nellore District, for the academic year 2004-05 with in a period of 7 days.

Counsel for the Petitioner : MR.NOOTY RAM MOHAN RAO

Counsel for the Respondents : MR.S.S.PRASAD

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. Appellant is aggrieved by an order passed by learned single Judge in W.P.M.P.No.23512 of 2004 declining to pass any interim order on the ground that there is no balance of convenience in favour of the petitioner – appellant.

2. W.P.M.P.No.23512 of 2004 was filed in a fresh writ petition filed by the appellant on 03.10.2004 questioning the order dated 01.10.2004 passed by 1st respondent. By the said order, petitioner – appellant was called upon to furnish the documents mentioned therein in one lot to the concerned Regional Office of All India Council for Technical Education so as to enable the respondents to consider the proposal for establishment of college in the National Calendar for the academic year 2005-06. The said order in fact was passed by 1st respondent in order to comply with the interim order passed by learned single Judge of this court dated 9th September, 2004 passed in W.P.M.P.No.20611 of 2004 in W.P.No.15837 of 2004. Learned counsel for the appellant states that there appears to be some mistake or error committed by 1st respondent in correctly mentioning the academic year. W.P.No.15837 of 2004 pertains to a subject for consideration of petitioner's application for establishment of college for the academic year 2004-05 and not for 2005-06. Instead of correctly putting the academic year as 2004-05, 1st respondent appears to have mentioned as 2005-06.

3. We are informed that W.P.No.15837 of 2004 is pending and has not been disposed of. When W.P.No.15837 of 2004 is pending, we fail to understand how second writ petition would be maintainable. Remedy of the petitioner – appellant would have been to seek clarification from the respondents themselves or bring it to the notice of the Court where W.P.No.15837 of 2004 is pending and then obtain necessary clarification. Insofar as the fresh writ petition i.e., W.P.No.17927 of 2004 is concerned, we find no error in the order passed by the learned single Judge.

4. Learned counsel for the petitioner – appellant states that with the order passed in the writ appeal, writ petition as well can be disposed of. Accordingly while dismissing the writ appeal, we dismiss W.P.No.17927 of 2004 with liberty reserved to the petitioner – appellant to seek appropriate redressal by moving appropriate application in W.P.No.15837 of 2004. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 04.11.2004.

VRK.

To

1 All India Council for Technical Education, rep by Member Secretary, Indira Gandhi Sports
Complex, I.P. Estate, New Delhi
2 Southern Regional Office, rep by Director, All India Council for Technical Education,
Shastry Bhavan 26, Haddows Road, Nangambakkam, Chennai – 600 006.

3. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NO. 1724 OF 2004

AND

W.P.NO. 17927 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 04.11.2004.

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